

**Board for Protection and Advocacy  
Virginia Office for Protection and Advocacy  
August 20, 2003**

Board Members Present:                      Barbara S. Barrett, Chair  
    Maureen S. Hollowell, Vice-Chair

P. Brent Brown  
Martha Bryant  
Raymond F. Burmester  
Michael Cooper  
Waja Grimm  
Susan R. Kalanges  
Okpil Kim  
Elizabeth Priaulx  
Dink Shackleford

VOPA Staff Present:                      Sherry Confer  
    Claunita Jones  
    Colleen Miller

(Through parts of the meeting)              Gary Conover  
    Jonathan Martinis  
    Annette Sannuti  
    Yvette Simard  
    Kim Ware

DD Advisory Council Absent:              Peter Toby Brown, Chair

PAIMI Advisory Council Present:              Mark Lester, Chair

**August 20, 2003**

**CALL TO ORDER**

Ms. Barbara S. Barrett, Chair, called the meeting to order at 9:07 a.m. There was a welcome and introduction of Board members and staff. Dink Shackleford, newest member, was welcomed by fellow Board members. Board members also welcomed VOPA's newest staff person, Sherry Confer, Policy Director.

**BOARD ORIENTATION**

Colleen Miller, Executive Director provided orientation training to both new and returning board members. The training covered the History of the Protection and Advocacy system, duties of board members, board materials, and program overviews. Jonathan Martinis provided information on

conflicts of interest and the freedom of information act. Yvette Simard provided information on reading financial reports.

### **Priority Training**

Colleen Miller then provided an overview of the priority setting process.

### **REVIEW OF AGENDA**

Agenda items were reviewed and additional topics for discussion were added. A MOTION to approve the additions to the agenda was made by Maureen Hollowell and was seconded by Waja Grimm. The MOTION carried unanimously.

### **PUBLIC COMMENT**

There was no public comment offered.

### **APPROVAL OF MINUTES OF MAY 21, 2003 MEETING**

The Chair called for the review of the May 21, 2003, minutes. A MOTION to approve the minutes was made by Elizabeth Prialux and was seconded by Mr. Cooper. The MOTION carried unanimously.

### **APPROVAL OF MINUTES OF JUNE 26, 2003 MEETING**

The Chair called for review of the June 26, 2003, minutes. A MOTION to approve the minutes was made by Maureen Hollowell and was seconded by Okpil Kim. The MOTION carried unanimously.

### **REPORTS:**

#### **Developmental Disabilities (DD) Advisory Council**

In the absence of the DD Advisory Council Chair, Gary Conover, Managing Attorney for the DD program, gave an update. Mr. Conover reported that the council met on July 17. In attendance were five of nine council members, Chair of the Board, and some VOPA staff. He reported that the meeting was very productive. Council members reviewed and discussed the draft priorities.

Mr. Conover reported that Philip Sieck, Staff Attorney, gave an overview on the Client Assistance Program (CAP), and Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. Council members were updated about case litigation in the DD program.

Barbara Barrett, Board Chair, informed Board members that councils still need members to fill vacant positions. She encouraged Board members to recruit potential members for the councils. Meetings are held in Charlottesville quarterly. Public notice is provided and notices of all meetings can be found on VOPA's website. Council meetings begin at 10:00 a.m. and end around 2:00 p.m.

Kim Ware, Program Operations Coordinator added that during the last meeting, the DD council held its annual election for new officers. Ms. Ware reported Daaiyah Rashid, Information Specialist for the Parent Educational Advocacy Training Center (PEATC) in Northern Virginia, has been elected to the position of Chair and she will begin serving at the meeting in October.

## **President**

The Chair reported that she attended the National Association of Protection and Advocacy Systems Annual Conference (NAPAS) in May. On August 11, 2003, she also attended a meeting of Virginia's Disability Commission. The Chair reported she attended the DD and PAIMI council meetings. Once again, she encouraged Board members to attend meetings of the councils and members are still needed to fill vacant positions on each of the councils. Following the report there was some discussion.

## **Executive Director**

Colleen Miller, Executive Director, reported that the Danville-Pittsylvania Community Services Board filed a lawsuit against VOPA. VOPA has retained outside counsel to represent them.

Michael Cooper acknowledged Ms. Miller and staff had done a great job with the lawsuit.

Ms. Miller continued to report that VOPA has been looking for new office space. She reported that parking has been an issue for clients along with a few accessibility issues for clients reaching the building. In addition the Office is looking to change its current phone system. Ms. Miller reported that when the Office moves to its new location, the automated system will be replaced with a receptionist to whom callers may speak when they first contact the office.

Ms. Miller reported that she met with other advocacy groups for input on priority planning. The groups included the Virginia chapter of the Alliance for the Mentally Ill, the Autism Program, the Arc of Virginia, and the Virginia Treatment Center for Children. In addition, she encouraged those advocacy groups to seek members for VOPA's advisory councils.

A discussion followed the report.

## **VOPA's Publications**

The Executive Director provided Board members with a list of VOPA's publications and informed members that publications are available on the website at [www.vopa.state.va.us](http://www.vopa.state.va.us). In addition, the publications are available in hard copies. Some of the publications will be revised as the new priorities are established for the year.

## **Critical Incident Reporting from the Community**

Kim Ware, Programs Operations Coordinator gave an update on the Critical Incident Reports (CIR). Ms. Ware produced a chart of facilities licensed by various state agencies and the statutes or regulations that govern them. These facilities are not required to report critical incidents to VOPA

The Executive Director added that VOPA suspects that there are many cases of neglect and abuse within facilities that go unreported. In some cases, staff have found out through other means and followed through with investigating those claims.

Ms. Ware continued to report that the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS), met with all facilities risk managers because they were reporting differently. DMHMRSAS wanted a uniform and consistent reporting process from all facilities. Since the meeting, VOPA has seen a 57% increase in receiving CIRs.

A discussion followed the report.

The Chair of the Board created a committee to work on narrowing down the list of the most vulnerable populations to target for improved reporting requirements. The committee consists of Ray Burmester, Elizabeth Priaulx, Susan Kalanges, and Maureen Hollowell as Chair. Staff persons who will be supporting the committee consists of Executive Director, Colleen Miller, Programs Operations Coordinator, Kim Ware and Policy Director, Sherry Confer.

### **Nursing Homes**

Colleen Miller, Executive Director reported that Kristin Cooper, VOPA's Staff Attorney from the Virginia Beach Office, prepared a question and answer handout in response to the Board's interest in applying Olmstead to Nursing Homes. The handout provided Board members with an overview on the Olmstead v. L.C. lawsuit, and the difficulties of applying an Olmstead analysis to private facilities.

A discussion followed the report.

### **Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council**

Mark Lester, PAIMI Chair, gave an update. He reported that during the last council meeting, Council did not have enough members in attendance to certify a quorum. He reported that current members are very active. However, most of the absent members had legitimate reasons for missing the meeting.

Mr. Lester reported that there was a discussion on the draft priorities.

Mr. Lester asked Board members if they knew any one who is interested in serving on the Council to let him know and he would be more than happy to talk with them.

### **Litigation**

Ms. Miller gave an update on litigation. In addition to the written report, she noted that the Department of Education filed a motion to dismiss on the grounds of the statute of limitations. The statute limit is two years. The judge has ruled in favor of VOPA citing that the statute of limitation does not begin until the young adult turns 21.

### **Nominating Committee**

Ms. Waja Grimm, Chair, of the Nominating Committee reported that the Nominating Committee had recommended Barbara Barrett to serve as Chair, and Maureen Hollowell as Vice-Chair for another full-term.

Ms. Grimm made a MOTION to elect Ms. Barrett as Chair and Ms. Hollowell as Vice-Chair as recommended by the Nominating Committee.

Barbara Barrett, Chair, opened the floor for additional nominations. Having none, Ray Burmester seconded the MOTION. The vote was unanimous, in favor.

Barbara Barrett, Chair of the Board reported that there had been some discussion on the Board having a treasurer. However, after a discussion with various people it has been decided to have a Finance Committee. The Chair of the Board will appoint Board members to serve on its Finance Committee.

Ms. Barrett appointed Okpil Kim to serve as Chair of the Finance Committee.

### **BUDGET**

Annette Sannuti, VOPA's Business Manager, and Yvette Simard, VOPA's Budget Analyst reported on agency's finances.

### **Disability Commission**

Ms. Miller provided a fact sheet to members with talking points about Virginia's Disability Commission. The Board had a discussion on VOPA's position with the Disability Commission and the future of the Commission.

### **Ombudsman Program**

Colleen Miller reported that VOPA would need to develop a legislative funding request if this program is to proceed. Ms. Miller cautioned the Board about this being an ambitious endeavor for the Office at this point in VOPA's development as an independent State Agency.

Brent Brown made a MOTION to the Board to direct its Executive Director to request monies to fund the Ombudsman Program; if funds are not available then the Board authorizes its Executive Director to make a request for a 2-year extension on the start-up of the program. The motion was seconded by Waja Grimm. The MOTION passed.

**ADJOURNMENT:** Due to time constraints, agenda items not discussed are to be brought forth during the next meeting of this Board. Ms. Grimm made a MOTION to adjourn the meeting. Mr. Burmester seconded the MOTION and the meeting was adjourned at 5:00 p.m.

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VOPA Staff Present:                      Sherry Confer  
    Claunita Jones  
    Colleen Miller

(Through parts of the meeting)              Hilary Malawer  
    Kim Ware

DD Advisory Council Present:              Peter Toby Brown, Chair

PAIMI Advisory Council Present:              Mark Lester, Chair

**August 21, 2003**

**CALL TO ORDER**

The chair called the meeting to order at 9:07 a.m.

**Legal Rights Focus**

Hilary Malawer, Staff Attorney, gave a presentation on the Developmental Disabilities (DD) Act. Following her presentation Board members asked questions and there was a discussion.

**OLD BUSINESS:**

**Executive Director Evaluation**

A draft evaluation will be presented at the November Board meeting.

**Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), Virginia Commonwealth University (VCU), and the National Alliance for the Mentally Ill (NAMI) Survey**

Colleen Miller, Executive Director provided an update on the status of the survey. She reported that there had been a communication error between VCU and VOPA with the ownership of the completed survey. She reported that after a series of misunderstandings and miscommunications, the project stalled. Since then, she has met with Delores Dungee-Anderson, of the VCU School of Social Work, and together they were able to revive the project. The project is expected to begin this fall, with a completion date of May 2004.

A discussion followed the update.

The Board wants clarification from the entities involved with the survey on who will own the research results once the project is completed.

### **Ombudsman Program Continued**

Colleen Miller reported that VOPA has already prepared a budget request for the Ombudsman program and so the motion made the previous day is unnecessary. After further discussion about the program, Brent Brown made a MOTION to withdraw his previous MOTION and this was seconded by Ray Burmester. The motion passed.

Ms. Miller will report to the Board in November on the status of the Ombudsman program.

### **New Hires**

Colleen Miller reported that VOPA has hired a policy director in the previous position of the deputy director. Sherry Confer is the new Policy Director. She continued to report that VOPA is in the stage of selecting candidates for interviews for the investigator positions. It was reported that a large number of applications were received.

### **New Staff Positions**

Colleen Miller made a request to the Board to increase its Maximum Employee Level (MEL). After the discussion, Ray Burmester made a MOTION authorizing the director to increase the MEL by adding eight more staff to the existing MEL of 27 within budget restraints. The motion was seconded by Elizabeth Prialux. The MOTION passed.

### **RECESS/ RECONVENE**

Board members recessed for lunch at 12:45 p.m. and reconvened its meeting at 1:15 p.m.

### **Schedule of Future Board Meetings**

Colleen Miller, Executive Director suggested that the Board consider changing the months it holds meetings, beginning in January 2004. She noted a change would give members more time to outline priorities.

Maureen Hollowell, Vice-Chair requested the Executive Director provide members with a calendar that outlines times frames on reports that are due, priorities and include the administrative calendar.

### **Board Meeting Outside of Richmond**

The next meeting of the Board will be held in Abingdon, Virginia. The meeting is scheduled for November 19, and will begin at 8:00 a.m.

The Board plans to have a “kick off” on November 18 in Abingdon, Virginia as part of its outreach to potential clients in need of services in the Southwestern part of the State. The Board has requested that VOPA staff send invitation to its mailing list and other entities of interest. Public Notice will be provided.

**Recognition Lunch**

Acting Directors Heidi Lawyer and Jonathan Martinis will be invited to attend the Board meeting in February and given recognition for their hard work and dedication to the Office as the Board recruited for its Executive Director.

**Annual Priorities for FY2004**

Colleen Miller, Executive Director, presented Board members with a draft of the FY2004 focus areas for VOPA. Board members suggested revisions and the changes were incorporated into the proposed draft.

There was a discussion. Following the discussion P. Brent Brown MOVED to adopt the draft goals and focus areas as amended and it was seconded by Susan Kalanges. The MOTION carried unanimously.

The goals and focus areas, along with specific objectives, will be completed and submitted in October, and available to the Board at its next meeting in November.

**ADJOURNMENT:** Having no further business of the Board, Ms. Hollowell made a MOTION to adjourn the meeting. Waja Grimm seconded the MOTION and the meeting was adjourned at 4:25 p.m. The vote was unanimously passed.

Accepted:

\_\_\_\_\_  
Barbara S. Barrett, Chair

DATE: \_\_\_\_\_